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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 DEMETRIUS TRE WILLIAMS, )

9 Plaintiff, )

10 v. )

11 CITY OF EVERETT et al., )

Defendants. )

Case No. C08-1293 MJP BAT

**ORDER DISMISSING ACTION  
AND DENYING *IN FORMA*  
*PAUPERIS* APPLICATION AS  
MOOT**

12 The Court, having reviewed plaintiff's application to proceed *in forma pauperis*, the  
13 Report and Recommendation of Brian A. Tsuchida, United States Magistrate Judge, and the  
14 remaining record, does hereby find and ORDER:

- 15 (1) The Court adopts the Report and Recommendation.  
16 (2) This action is DISMISSED.  
17 (3) Plaintiff's application to proceed *in forma pauperis* is DENIED as moot.  
18 (4) The Clerk is directed to send copies of this Order to plaintiff and to Magistrate  
19 Judge Brian A. Tsuchida.

20 DATED this 22nd day of October, 2008.

21  
22 s/Marsha J. Pechman  
23 MARSHA J. PECHMAN  
United States District Judge

ORDER DISMISSING ACTION AND  
DENYING *IN FORMA PAUPERIS*  
APPLICATION AS MOOT – 1